

AN ORDINANCE

AMENDING, the Comprehensive Development Code of the City of Marietta.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: Section 708.09(B.1) is hereby amended as follows:

Section 708.09(B.1) PRD (SF), Planned Residential Development (Single Family)

B. Permitted Uses.

1. Single family detached dwellings.

- a) A mandatory homeowners association shall be created that will be responsible for the upkeep and maintenance of all ~~front yards and~~ common areas including all fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development. Those projects containing ten (10) units or less, and considered redevelopment, conversion or remodeling of existing units shall be exempt from this requirement.
- b) All houses shall have two-car garages, and the parking pads/driveway in front of the garage shall be a minimum of 20 feet in length in order to accommodate two additional cars. The garages shall be used for the parking and storage of vehicles and may not be enclosed to provide for additional residential space. A recital of this requirement shall be contained within the Covenants to ensure enforcement.
- c) In instances when the required 20 foot driveway length cannot be met due to curvature of the road or topographic issues, the parking requirement may be met by the provision of the required number of parking spaces elsewhere in the development.
- d) Any request to vary the parking regulations must be specifically identified in the City Council motion to approve the detailed plan for the development.

Section 2: Section 708.14(B) is hereby amended as follows:

Section 708.14(B) PRD (MF), Planned Residential Development (Multi-family)

A. Permitted Uses.

1. Single family attached dwellings.

- a) A mandatory homeowners association shall be created that will be responsible for the upkeep and maintenance of all ~~front yards and~~ common areas including all fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development. Those projects containing ten (10) units or less, and

- considered redevelopment, conversion or remodeling of existing units shall be exempt from this requirement.
- b) All houses shall have two-car garages, and the parking pads/driveway in front of the garage shall be a minimum of 20 feet in length in order to accommodate two additional cars. The garages shall be used for the parking and storage of vehicles and may not be enclosed to provide for additional residential space. A recital of this requirement shall be contained within the Covenants to ensure enforcement.
 - c) In instances when the required 20 foot driveway length cannot be met due to curvature of the road or topographic issues, the parking requirement may be met by the provision of the required number of parking spaces elsewhere in the development.
 - d) Any request to vary the parking regulations must be specifically identified in the City Council motion to approve the detailed plan for the development.
2. Duplexes and triplexes.
- a) A mandatory homeowners association shall be created that will be responsible for the upkeep and maintenance of all front yards and common areas including all fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development. Those projects containing ten (10) units or less, and considered redevelopment, conversion or remodeling of existing units shall be exempt from this requirement.
 - b) All units shall have two-car garages, and the parking pads/driveway in front of the garage shall be a minimum of 20 feet in length in order to accommodate two additional cars. The garages shall be used for the parking and storage of vehicles and may not be enclosed to provide for additional residential space. A recital of this requirement shall be contained within the Covenants to ensure enforcement.
 - c) In instances when the required 20 foot driveway length cannot be met due to curvature of the road or topographic issues, the parking requirement may be met by the provision of the required number of parking spaces elsewhere in the development.
 - d) Any request to vary the parking regulations must be specifically identified in the City Council motion to approve the detailed plan for the development.
3. Condominiums, provided:
- a) A mandatory homeowners association shall be created that will be responsible for the upkeep and maintenance of all front yards and common areas including all fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development.
 - b) Materials to be used on exterior facades of all buildings shall include brick, stone, stucco (not EFS type) or fiber-cement siding, or combinations of those materials. No vinyl, aluminum or metallic siding may be used.
 - c) The condominiums shall be “for sale” only, and no more than five percent (5%) of all the homes within the residential development shall be allowed to be renter occupied at any time.

- d) The development shall be constructed and governed in conformity with the requirements of the Georgia Condominium Act (O.C.G.A. §44-3-70, et seq.). A Declaration of Condominium shall be submitted and recorded in compliance of this act.
 - e) All townhouse style condominiums shall have two-car garages, and the parking pads/driveway in front of the garage shall be a minimum of 20 feet in length in order to accommodate two additional cars. The garages shall be used for the parking and storage of vehicles and may not be enclosed to provide for additional residential space. A recital of this requirement shall be contained within the Covenants to ensure enforcement.
 - f) A guest parking area shall be provided at a ratio of 0.2 spaces per dwelling unit.
 - g) *In instances when the required 20 foot driveway length cannot be met due to curvature of the road or topographic issues, the parking requirement may be met by the provision of the required number of parking spaces elsewhere in the development.*
 - h) *Any request to vary the parking regulations must be specifically identified in the City Council motion to approve the detailed plan for the development.*
 - i) The development shall comply with all recommendations from the City of Marietta Public Works Department with respect to hydrology, stormwater management, down stream considerations and any donation and/or conveyance of right-of-way that is deemed necessary.
 - j) A 150-foot acceleration lane and a 150-foot deceleration lane with appropriate tapers shall be constructed if required by the Public Works Department.
 - k) A recreation area shall be provided at a ratio of 1 acre per 50 units (or a proportional percentage thereof) with a minimum of 10,000 square feet provided. Such area shall be developed with at least one passive recreational feature, such as a walking trail, pavilion, gazebo or picnic area, and at least one active recreational feature, such as a swimming pool, playground or tennis courts. Active recreational areas must be outside of any floodplain area and located in such a manner that at least 75% of the townhouses are within 300 feet, as measured from the building footprints. Any recreation area, whether passive or active, must be located in an area with a slope of less than 15%; however, all recreation areas must meet ADA requirements for accessibility. Active recreational areas must be improved through the use of terracing or other techniques to provide a usable area, such that at least 25% of the entire recreational area shall have a slope of no greater than 3%.
- 4. Multi-family dwelling units.
 - 5. Assisted living, personal care and retirement home facilities, provided all necessary local and state licenses and/or certifications are obtained.
 - 6. Accessory uses and structures incidental to any permitted use.

Section 3: Section 708.20(B) is hereby amended as follows:

Section 708.20(B) MXD, Mixed Use Development

- B. Permitted Uses. This district is designed to allow mixed-use developments which are designed under a unified plan. The planned development should incorporate features such as coordinated transportation and parking networks, building design parameters and holistic landscaping themes. Commercial, industrial and residential uses are allowed within this district subject to approval by City Council. Residential uses may include single family detached dwellings, townhouses and condominiums, provided:
1. A mandatory homeowners association shall be created that will be responsible for the upkeep and maintenance of all front yards and common areas including all fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development. Those projects containing ten (10) units or less, and considered redevelopment, conversion or remodeling of existing units shall be exempt from this requirement.
 2. Materials to be used on exterior facades of all buildings shall include brick, stone, stucco (not EFS type) or fiber-cement siding, or combinations of those materials. No vinyl, aluminum or metallic siding may be used.
 3. The townhouses and/or condominiums shall be “for sale” only, and no more than five percent (5%) of all the homes within the residential development shall be allowed to be renter occupied at any time.
 4. The development shall be constructed and governed in conformity with the requirements of the Georgia Condominium Act (O.C.G.A. §44-3-70, et seq.). A Declaration of Condominium shall be submitted and recorded in compliance of this act.
 5. All single family detached houses, townhouses and/or condominiums shall have two-car garages, and the parking pads/driveway in front of the garage shall be a minimum of 20 feet in length in order to accommodate two additional cars. The garages shall be used for the parking and storage of vehicles and may not be enclosed to provide for additional residential space. A recital of this requirement shall be contained within the Covenants to ensure enforcement.
 6. A guest parking area shall be provided at a ratio of 0.2 spaces per dwelling unit. Those projects containing ten (10) units or less, and considered redevelopment, conversion or remodeling of existing units shall be exempt from this requirement.
 7. In instances when the required 20 foot driveway length cannot be met due to curvature of the road or topographic issues, the parking requirement may be met by the provision of the required number of parking spaces elsewhere in the development.
 8. Any request to vary the parking regulations must be specifically identified in the City Council motion to approve the detailed plan for the development.
 9. The development shall comply with all recommendations from the City of Marietta Public Works Department with respect to hydrology, stormwater management, down stream considerations and any donation and/or conveyance of right-of-way that is deemed necessary.
 10. A 150-foot acceleration lane and a 150-foot deceleration lane with appropriate tapers shall be constructed if required by the Public Works Department.
 11. A recreation area shall be provided at a ratio of 1 acre per 50 units (or a proportional percentage thereof) with a minimum of 10,000 square feet provided. Such area shall

be developed with at least one passive recreational feature, such as a walking trail, pavilion, gazebo or picnic area, and at least one active recreational feature, such as a swimming pool, playground or tennis courts. Active recreational areas must be outside of any floodplain area and located in such a manner that at least 75% of the townhouses are within 300 feet, as measured from the building footprints. Any recreation area, whether passive or active, must be located in an area with a slope of less than 15%; however, all recreation areas must meet ADA requirements for accessibility. Active recreational areas must be improved through the use of terracing or other techniques to provide a usable area, such that at least 25% of the entire recreational area shall have a slope of no greater than 3%.

Section 4: Section 716.07(Table J) is hereby amended as follows:

TABLE J. MINIMUM OFF-STREET PARKING REQUIRED

COMMERCIAL USES	SPACES REQUIRED
Animal hospital; kennel	One per 400 square feet
Appliance sales and repair	One per 500 square feet
Art gallery	One per 400 square feet
Auto parts store	One per 500 square feet
Automobile sales	One per 200 square feet of repair space plus one per 400 square feet of showroom/office
Automobile service and repair	One per 250 square feet of office space plus two per service bay
Bank; credit union; savings and loan	One per 300 square feet
Bed and breakfast inn	Two for the owner-operator plus one per guest bedroom
Carpet or floor covering store	One per 300 square feet of retail sales and office area, plus if applicable, warehouse requirements for designated storage, receiving, and shipping area
Car wash, staffed or automated	Two stacking spaces for each car wash lane plus two drying spaces per lane
Clinics	One per 350 square feet
Contractor's establishment	One per 300 square feet of office space and one per 2,000 square feet of outdoor storage
Convenience store	One per 200 square feet (not including spaces at fuel pumps)
Day care center (child & adult)	One per 350 square feet
Funeral home or mortuary	One space per four seats in largest chapel (18 inches per bench seat)
Furniture and home furnishing store	One per 600 square feet of retail sales and office area, plus if applicable, warehouse requirements for designated storage, receiving, and shipping area
Grocery store	One per 300 square feet
Hardware store	One per 400 square feet
Health or fitness club	One per 200 square feet
Hotel, extended stay	1.5 per unit lodging unit
Hotel or motel	One per unit plus one per 200 sq. ft. of accessory uses such as convention halls, banquet rooms, lounges, restaurants and the like

Laundromat	One for each three washer/dryer combinations
Nightclub; dance hall	One per 125 square feet
Nursery or garden center	One per 300 square feet plus one per 1,500 square feet outdoor sales, display or greenhouse area
Office, business/professional	One per 350 square feet
Office, medical/dental/chiropractic	One per 300 square feet
Open air sales	One per 250 square feet of indoor floor space plus one per 600 square feet of outdoor sales
Personal service establishment	One per 250 square feet
Photofinishing laboratory/studio	One per 300 square feet
Restaurant; bar; tavern	One per 175 square feet
Retail store	One per 250 square feet
Self storage facility; mini-warehouse	One per 40 storage units
Shopping center	One per 275 square feet
INDUSTRIAL USES	SPACES REQUIRED
Manufacturing; processing; assembling	One per 1,300 square feet
Warehouse; distribution; factory output	One per 2,000 square feet
Wholesale	One per 1,000 square feet
GOVERNMENT – INSTITUTIONAL USES	SPACES REQUIRED
Churches; auditoriums; nonprofit club or lodge; and other places of assembly	One per four seats (18 inches per bench seat) in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seating
Group home	One per two residents
Government office	One per 300 square feet
Hospital	One per two beds
Library	One per 400 square feet
Museum	One per 500 square feet
Nursing home; sanitarium; assisted living facility	One per four beds
Post office	One per 200 square feet
Rest homes and personal care homes	One per four beds
Public and private colleges, universities and trade schools	25 spaces plus 8 spaces per classroom
Public and private elementary schools or day care centers	5 spaces plus 2 per classroom
Public and private secondary schools	15 spaces plus 6 per classroom
RESIDENTIAL USES	SPACES REQUIRED
Apartment <u>or condominium</u> unit, one bedroom	1.5 per unit plus 0.2 per unit for guest space
Apartment <u>or condominium</u> unit, two bedroom	Two per unit plus 0.2 per unit for guest space
Apartment <u>or condominium</u> unit, three bedroom	Two per unit plus 0.2 per unit for guest space

Residence within building containing a non-residential use	One per unit
Single family detached	Two per unit*
Single family attached	Two per unit plus 0.2 per unit for guest space **
RECREATIONAL FACILITIES	SPACES REQUIRED
Amusement park	Number to be determined per parking generation study funded by applicant and approved by the Director of Development Services
Athletic field	20 per field
Billiard hall/amusement arcade	One per 200 square feet
Bowling alley	Two per each bowling lane (add parking for billiard hall/amusement arcade, if provided)
Community center	One per 300 square feet
Golf course	2.5 per hole
Golf driving range, principal use	0.75 per tee
Gymnasium	One per four seats (18 inches per bench seat)
Ice or roller skating rink	One per 200 square feet
Miniature golf	Two per hole
Stadium; sport arena	Number to be determined per parking generation study funded by applicant and approved by the Director of Development Services
Swimming pool, public amenity	One per 125 square feet of surface water area
Swimming pool, subdivision amenity	One per 150 square feet of surface water area
Tennis or racquet ball court	Two per court
Theater; cinema	One per four seats (18 inches per bench seat)

(Ord. No. 6888, 12/14/2005, § 1; Ord. No. 6921, 6/14/2006, § 1)

***Single family units in the PRD-SF, PRD-MF and MXD Districts must accommodate for additional driveways to be able to park two additional cars**

****Townhouses and Townhouse-style Condominiums must accommodate for additional driveways to be able to park two additional cars**

Section 5: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 6: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 7: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

Brian Binzer
Director of Development Services

Approved as to form:

7

Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: December 10, 2014

APPROVED:

R. Steve Tumlin, Mayor

ATTEST:

Stephanie Guy, City Clerk